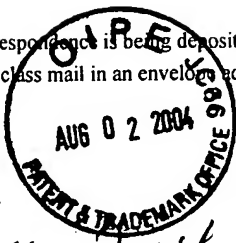


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PATENT  
Attorney Docket No.: 021258-000200US

1636  
EPW

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



On July 28, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]  
Mark T. Davis

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Owens et al.

Application No.: 10/057,726

Filed: January 24, 2002

For: METHODS AND COMPOSITIONS  
FOR EXPRESSING  
POLYNUCLEOTIDES SPECIFICALLY  
IN SMOOTH MUSCLE CELLS IN VIVO

Examiner: Daniel Sullivan

Art Unit: 1636

SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER 37  
CFR §1.97 and §1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

Also enclosed is a copy of the Search/Examination report corresponding to the European application.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

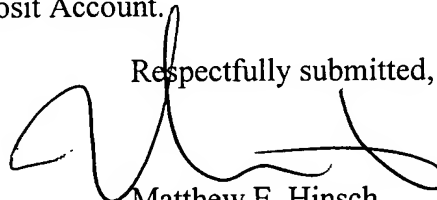
This IDS is being filed before the mailing date of the final Office Action or Notice of Allowance.

CERTIFICATION

I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Matthew E. Hinsch  
Reg. No. 47,651

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60269958 v1



<b>Substitute for form 1449B/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	10/057,726		
		Filing Date	January 24, 2002		
		First Named Inventor	Owens, Gary K.		
		Art Unit	1636		
		Examiner Name	Daniel Sullivan		
Sheet	3	of		Attorney Docket Number	021258-000200US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>2</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	AA	EP	0807688	A2	05-12-1997			<input type="checkbox"/>

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	AB	FRANZ, Wolfgang M. et al.; "The 2.3 kb smooth muscle myosin heavy chain promoter directs gene expression into the vascular system of transgenic mice and rabbits"; 1999, <u>Cardiovascular Research</u> , Vol. 43, pp. 1040-1048.	
	AC	LI, Li et al.; "Evidence for Serum Response Factor-Mediated Regulatory Networks Governing SM22 $\alpha$ Transcription in Smooth, Skeletal, and Cardiac Muscle Cells"; 1997, <u>Developmental Biology</u> , Vo. 187, pp. 311-321.	
	AD	MANABE, I. et al.; "Full transcriptional activity of the smooth muscle myosin heavy chain gene requires multiple CArG elements in the 5'-flanking and first intronic sequence"; 1999, <u>FASEB Journal</u> , Vol. 13, No. 4, Part 1, 1 page abstract.	
	AE	MERICSKAY, Mathias et al.; "An Overlapping CArG/Octamer Element Is Required for Regulation of <i>desmin</i> Gene Transcription in Arterial Smooth Muscle Cells"; 2000, <u>Developmental Biology</u> , Vol. 226, pp. 192-208.	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.